

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	Criminal No. 91-10247-DPW
v.)	
)	
PETER KATTAR, <i>et al.</i> ,)	
Defendants.)	

**UNITED STATES' MOTION TO PARTIALLY VACATE
RESTRAINING ORDER (Docket No. 178)**

The United States of America hereby moves this Court to partially vacate the Restraining Order, issued on January 30, 1992 (Docket No. 178) (copy attached), in the above-captioned criminal case, as to the following real property only:

- 35 McKenney Circle, Andover, Massachusetts (the "35 McKenney Circle Property").

As grounds for this motion, the United States submits that defendant Peter Kattar (the "Defendant") is deceased, and therefore, the government would not pursue any outstanding forfeiture judgment against the Defendant.

Further, the United States was contacted by a real estate attorney, who indicated that there is a sale pending for the 35 McKenney Circle Property. The real estate attorney alerted the United States that the Restraining Order was recorded with the Essex Registry of Deeds, but no release appears to have been recorded. A review of the docket in this case also does not indicate that the Restraining Order was released. Records indicate, however, that in addition to the Restraining Order, the United States obtained a *lis pendens* on this property in a related civil forfeiture action, *United States v. Parcel of Land with Buildings, Appurtenances and Improvements thereon located at 35 McKenney Circle, Andover, Massachusetts*, Civil Action No. 92-1067. Documents recorded with the Essex County Registry of Deeds indicate that the *lis*

pendens was released and that the civil forfeiture action was disposed of by dismissal. *See* attached release of *lis pendens*. From a review of the docket in this criminal matter, it appears, however, that the United States may not have filed a corresponding motion to vacate the Restraining Order as to the 35 McKenney Circle Property.

In an abundance of caution to allow the sale of the property to proceed and because the government would no longer pursue forfeiture due to the Defendant's death, the United States respectfully requests that the Court vacate the Restraining Order with respect to the 35 McKenney Circle Property. Once the Court vacates the Restraining Order with respect to 35 McKenney Circle Property, the United States will provide a copy of the order to the real estate attorney involved in the sale of the property.

WHEREFORE, the United States respectfully moves that this Court enter an order Partially Vacating the Restraining Order (Docket No. 178), as to the 35 McKenney Circle Property *only*. A proposed order is submitted herewith.

Respectfully submitted,

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